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Our Case No. 9281-4594

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Naoya Hasegawa )  
Serial No. 10/617,010 ) Examiner: A. D. Tugbang  
Filing Date: July 10, 2003 ) Group Art Unit No. 3729  
For Spin-Valve Thin Film Element and )  
Method for Manufacturing the Same )

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As indicated by the PAIR PTA adjustment history, herein attached as Appendix A, U.S. Patent Application Serial No. 10/617,010 has a patent term adjustment under 35 U.S.C. §154(b) of 517 days. U.S. Patent Application 10/617,010 is not subject to a terminal disclaimer. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

Period of adjustment pursuant to 37 CFR § 1.703(a)

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 521 days (14 months after the filing of the application on July 10, 2003 to the

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mailing of the first Office Action on February 13, 2006).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371 and ending on the date a patent was issued.

The present application was filed on July 10, 2003. The 3 year date specified in 37 C.F.R. § 1.703(b) is July 10, 2006. The issue date, as indicated by the Issue Notification, herein attached as Appendix B, is December 19, 2006. The difference between the 3 year date (July 10, 2006) and the issue date is 162 days.

Reduction of adjustment pursuant to 37 C.F.R. § 1.704

The PTO calculation of the period of reduction of adjustment pursuant to 37 C.F.R. § 1.704, as shown by the PAIR PTA adjustment history, is 4 days.

Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus  $521 + 162 - 4 = 679 \text{ days}$ .

Conclusion

For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the fee or credit any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Applicants respectfully request reconsideration of the patent term adjustment for this application. Office personnel are invited to contact the

undersigned for Applicants via telephone if such communication would expedite this request.

Respectfully submitted,



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